IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	**Confirmation No. 6323**
Tomoyasu TAKASE et al.	:	Attorney Docket No. 2005_0639A
Serial No. 10/533,632	:	Group Art Unit 2614
Filed May 2, 2005	:	Examiner Huyen D. Le
LOUDSPEAKER AND APPARATUS USING THE SAME	:	**Mail Stop: AF**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In items 2-5 on pages 2-5 of the Office Action, claims 1 and 4-7 were rejected under 35 U.S.C. 102(b) as being anticipated by the prior art (Figs. 16-18) as admitted by the Applicant (hereinafter APA); and "claims 1 (as interpreted in a different manner) and 2-3" were rejected under 35 U.S.C. 103(a) as being unpatentable over the APA. For the reasons presented below, it is respectfully requested that the Examiner reconsider and withdraw these rejections.

As illustrated in Figs. 1 and 2 of the present application, claim 1 requires that a loudspeaker includes, among other elements, a diaphragm 27 having a first portion provided inside the voice coil 28, and a second portion provided outside the voice coil 28. Claim 1 next requires that one of the first portion and the second portion of the diaphragm 27 has a cross section in a plane including the center axis (i.e., as seen when looking at the sheet containing Figs. 1 and 2; not as seen in the direction D1 of Fig. 1). The cross section (for example, as shown in Fig. 2) is shaped as an arc of a non-circular ellipse (27).

That is, claim 1 refers to "a cross section in a plane including the center axis." The plane that includes the center axis 28C is the plane as viewed looking at the sheet containing Figs. 1

and 2 of the present application; it is not the plane as viewed in the direction of the arrow D1 of Fig. 1.

On the other hand, the APA that is shown in Figs. 16-18 and referred to at page 2, lines 8-10 of the present specification (as cited by the Examiner), is a shape as seen from the direction of the arrow D106 of Fig. 18. In the rejection, the Examiner repeatedly refers to page 2, lines 8-10 of the present specification. This portion of the specification states "[a]n outer shape of diaphragm 107 **seen from direction D106** is an elliptical shape that can be placed at a side of a display of a portable telephone" (emphasis added). Thus, the shape being referred to at page 2, lines 8-10 is explicitly stated as being "seen from direction D106" (see Fig. 18). Thus, the prior art shown in Figs. 16-18 and referenced in the present application (as cited by the Examiner) is the shape as viewed from above in Fig. 18, not the shape as seen by viewing the page containing Fig. 18.

This reference to page 2, lines 8-10 of the specification is contained in the last two lines of page 2 of the Office Action, lines 10 and 11 of page 4 of the Office Action and line 3 of page 5 of the Office Action. The Examiner also refers, alternatively, to the description at lines 24-27 of page 2 of the present specification, as evidence that "providing the diaphragms having longitudinal direction such as ellipse shapes or oval shapes for the types of small, slim ... loudspeakers is well known in the art." However, this section of the present specification (page 2, lines 24-27) clearly refers to the shape of the diaphragm when viewed from above in Fig. 18 (i.e., direction of arrow D106). This fact is obvious from a review of the remainder of the paragraph (i.e., page 2, line 27 - page 3, line 3) wherein it is explained that the non-circular shapes (such as ellipse shapes) are used to make the loudspeaker slim so that they can be "positioned at both sides of a display, such as a liquid crystal display, so that its longitudinal direction is parallel to the display" (page 2, line 27 - page 3, lines 1 and 2).

Therefore, it is very clear from a careful review of the description of the APA (pages 2 and 3 of the present specification) that the various references to ellipse shapes are references to the shape of the diaphragm when viewed from above (i.e., in the direction D106 shown in Fig. 18). The references to ellipse shapes in this regard are not referring to "a cross section in a plane

including the center axis", which is the shape referenced in present claim 1. Therefore, it is submitted to be clear that the present invention of claim 1, in which one of the first and second portions of the diaphragm has a cross section in a plane including the center axis, wherein the cross section is shaped as an arc of a non-circular ellipse, is in no way disclosed or suggested by the APA shown in Figs. 16-18 of the present application and described in the specification under the heading "Background of the Invention" and in particular, on pages 2 and 3 of the present specification.

For the reasons presented above, it is respectfully requested that the rejections presented in the final Office Action mailed May 26, 2009 be withdrawn, and that the application be passed to issue.

If the Examiner is having any difficulty whatsoever in understanding the above-described distinctions between the present invention of claim 1 and the admitted prior art (APA) described in the present specification, the Examiner is invited to contact the undersigned by telephone at (202) 721-8200 to discuss the claimed invention and the disclosed APA. The undersigned attorney will attempt to contact the Examiner by telephone the week of August 3, 2009, to discuss the distinctions with the Examiner.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Tomoyasu TAKASE et al.

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